

CHAPTER 51

DOUBLE ELECTION BOARDS

Chapter applicable to primary elections, §43.5
Definitions in §39.3 applicable to this chapter

51.1	Election counting board.	51.10	Secrecy of ballot.
51.2	Appointment.	51.11	Presence of persons.
51.3	“Receiving” and “counting” boards defined.	51.12	Counting quarters — guarding ballots.
51.4	Duties of receiving board.	51.13	Certification of count — returns.
51.5	Oath.	51.14	Compensation of board.
51.6	Administration of oath.	51.15	Applicability of law.
51.7	Duties of double boards.	51.16	and 51.17 Repealed by 2002 Acts, ch 1071, §15.
51.8	Ballot boxes.		
51.9	Manner of counting.		

51.1 Election counting board.

In all election precincts the board of supervisors may authorize the commissioner to appoint for each election in which a high voter turnout is anticipated five additional precinct election officials to be known as the election counting board.

[C24, 27, 31, 35, 39, §887; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.1]

88 Acts, ch 1119, §22

Referred to in [§51.3](#), [331.383](#)

Election boards, §49.12

51.2 Appointment.

The members of the election counting board shall be appointed by the commissioner from the election board panel drawn up as provided by [section 49.15](#). The requirements of [section 49.13](#) relative to political party affiliation of members of the election board shall apply to the membership of the election counting board.

[C24, 27, 31, 35, 39, §888, 890; C46, 50, 54, 58, 62, 66, 71, 73, §51.2, 51.4; C75, 77, 79, 81, §51.2]

2007 Acts, ch 138, §3

Referred to in [§51.3](#)

51.3 “Receiving” and “counting” boards defined.

The precinct election officials as provided in [chapter 49](#) shall be known as the “*receiving board*” and it shall be their duty to supervise the casting of ballots at said election, and the precinct election officials provided for in [sections 51.1](#) and [51.2](#) shall be known as the “*counting board*”.

[C24, 27, 31, 35, 39, §889; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.3]

Regular election boards, §49.12

51.4 Duties of receiving board.

The receiving board shall perform all the functions of precinct election officials as provided by law except as to counting and certifying the vote as by [this chapter](#) provided.

[C24, 27, 31, 35, 39, §890; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.4]

51.5 Oath.

All board members shall take an oath as provided in [section 49.75](#), for precinct election officials and in addition to such oath the counting board shall take the following oath:

I do swear (or affirm) that I will duly attend to the ensuing election during the continuance thereof as a member of the counting board; that I will not, prior to the closing of the polls, communicate in any manner, directly or indirectly, by word or sign, the progress of the counting, nor the result so far as ascertained, nor any information whatsoever in relation thereto; that I will make and return a perfect return of the said election, and will in all things truly, impartially, and faithfully perform my duty respecting the same to the best

of my judgment and ability; that I am not directly or indirectly interested in any bet or wager on the result of this election.

[C24, 27, 31, 35, 39, §891; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.5]

51.6 Administration of oath.

This oath shall be administered at the time the board enters upon its duties by a precinct election official of the receiving board who is hereby empowered to administer such oath.

[C24, 27, 31, 35, 39, §892; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.6]

51.7 Duties of double boards.

The counting boards shall proceed to the respective voting places to which they have been appointed at such time as the commissioner may direct, and shall take charge of the ballot box containing the ballots already cast in that precinct. The counting board shall retire to a partitioned space or room provided for that purpose and there proceed to count and tabulate the ballots as it shall find them deposited in the ballot box. The receiving board shall continue to receive the votes of electors in the other box provided, until such time as the counting board shall have finished counting and tabulating the ballots cast in the first ballot box. The two boards shall then exchange the first box for the second box and so continue until they have counted and tabulated all the votes cast on that election day. When the hour arrives for closing the polls, the receiving board shall certify to all matters pertaining to casting of ballots and shall then unite with the counting board in the counting of ballots. The precinct election officials shall then divide the ballots not counted and each group of officials shall proceed to canvass their portion of the same. When the canvass has been completed the officials shall report the result of their canvass in the manner provided by [section 50.11](#).

[C24, 27, 31, 35, 39, §893; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.7]

88 Acts, ch 1119, §23

Referred to in [§49.25](#)

Tally list, §50.16

51.8 Ballot boxes.

It shall be the duty of the commissioner to provide the precinct election officials with such ballot boxes and other election supplies as may be required to be furnished in duplicate to accomplish the purpose of [this chapter](#).

[C24, 27, 31, 35, 39, §894; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.8]

51.9 Manner of counting.

Whenever the counting board receives from the receiving board the ballot box, they shall also be furnished a statement from the receiving board giving the number of voters' declarations of eligibility signed up to that time, which shall equal the number of votes in the ballot box. The counting board shall on opening the ballot box first count the ballots therein. If the number of ballots found in the ballot box exceeds the number as shown by the statement received from the receiving board the counting board members shall proceed to examine the official endorsement of said ballots, and, if any ballots are found that do not bear proper official endorsement, said ballots shall be kept separate and a record of such ballots shall be made and returned under the head of excess ballots. The counting board shall then proceed to count the ballots as now provided by law.

[C24, 27, 31, 35, 39, §895; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.9]

Counting general election ballots, chapter 50

51.10 Secrecy of ballot.

The space or room occupied by the counting board shall be policed in such manner as to prevent any person, or persons, from gaining information regarding the progress of the count before the polls are closed.

[C24, 27, 31, 35, 39, §896; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.10]

51.11 Presence of persons.

No person shall be admitted into the space or room where such ballots are being counted until the polls are closed, except the counting board and the witnesses appointed and accredited under [section 49.104, subsection 3](#). It shall be unlawful for any witness to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time before the polls are closed.

[C24, 27, 31, 35, 39, §897; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.11]

Referred to in [§39A.5, 49.104](#)

51.12 Counting quarters — guarding ballots.

The commissioner shall provide suitable places for the counting of ballots, but when it becomes necessary to remove the ballot box from one room to another, or from one building to another, and at all times when they are in possession of the counting board, they shall be under constant observation of at least one counting board member from each political party.

[C24, 27, 31, 35, 39, §898; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.12]

51.13 Certification of count — returns.

Both boards shall certify to all matters pertaining to counting and canvassing of votes and shall return all materials and ballots to the commissioner as provided by law.

[C24, 27, 31, 35, 39, §899; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.13]

Return of election register and ballots, §50.5, 50.9, 50.12, 50.17

51.14 Compensation of board.

Compensation for counting board members shall be the same as provided by law for precinct election officials.

[C24, 27, 31, 35, 39, §900; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.14]

Compensation, §49.20

51.15 Applicability of law.

[This chapter](#) shall apply to all elections in which the commissioner has determined that paper ballots shall be used and counted by precinct election officials pursuant to [section 49.26](#).

[C24, 27, 31, 35, 39, §901; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §51.15]

2009 Acts, ch 57, §45

51.16 and 51.17 Repealed by 2002 Acts, ch 1071, § 15. See § 39A.4 and 39A.5.